

## CHAPTER 1

### GENERAL INFORMATION

#### 1. ESTABLISHMENT OF THE CURRENT ABANDONED VEHICLE ABATEMENT (AVA) PROGRAM.

a. Historical Perspective. California established a statewide Abandoned Vehicle Abatement (AVA) Program with the enactment of California Vehicle Code (VC) Sections 9250.7 and 22710. Section 9250.7 VC provided a funding source for the program through the establishment of a one-time, one dollar service fee on all vehicles registered in California during 1973. Section 22710 VC established the operational requirements, including the requirement for the California Highway Patrol (CHP) to administer the program. Between 1973 and 1975, the amount of interest earned on the balance in the Abandoned Vehicle Trust Fund exceeded the amount needed to maintain the program. By 1978, the amount in the trust fund was no longer sufficient to continue the AVA Program at the level which then existed. In 1978, the Legislature appropriated 3 million dollars from the Motor Vehicle Account to the trust fund to continue the program for the 1978-1979 and 1979-1980 Fiscal Years. In 1980, the Legislature added 1.4 million dollars to the budget to fund the program for the 1980-1981 Fiscal Year. The Legislative Analyst also prepared a report which analyzed the costs and benefits of the program. The report recommended that legislation be enacted to terminate the state's responsibility for funding and administering the program, or that the reimbursement to cities and counties be at a constant rate reflecting the costs incurred by more efficient local agencies. The Legislature recognized that the problem of abandoned vehicles was continuing to grow, creating a public nuisance and a health and safety hazard, and that local governments lacked sufficient resources to adequately address the problems. Between 1981 and 1989, the Legislature enacted legislation designed to aid local governments with recovery of costs associated with the removal and disposition of abandoned vehicles from private property. Additionally, the Legislature enacted legislation specifying the presumption that the last owner of record is responsible for a vehicle found abandoned. Even though these measures were helpful to local governments, they still did not provide local governments with sufficient resources to deal with the growing abandoned vehicle problem.

b. Establishment of the Statewide AVA Program. In 1990, legislation which repealed and replaced Sections 9250.7 and 22710 VC was enacted into law. Generally, Section 9250.7 VC provided, for a period of five years, a funding source

for the abatement of abandoned vehicles by county-based Service Authorities (hereinafter referred to as "Authority"), pursuant to the provisions of Section 22710 VC. In 1995, legislation revised VC Sections 9250.7 and 22710. Section 9250.7 VC extended the funding source for the abatement of abandoned vehicles by a county-based Authority for an additional five years. This extended the fee and continuous appropriation period for a total period of ten years. Section 9250.7 VC also mandated that any funds received by an Authority that are not used to abate vehicles within 90 days of the close of the fiscal year in which the funds were received, were to be returned to the State Controller (SC) for deposit in the Motor Vehicle Account. Section 22710 VC required the CHP to provide guidelines and reporting requirements to the Authorities. Section 22710 VC also mandated the withholding of AVA funds for one calendar year from an Authority when an Authority failed to provide its quarterly report as required in Section 22710(d)(2) VC.

c. Legislation Impacting the Current Statewide AVA Program. In 2001, Senate Bill 106 revised VC Sections 9250.7 and 22710. The changes to Section 9250.7 VC require each Authority to submit a fiscal year-end report to the SC on or before October 31<sup>st</sup> of each year. The report must summarize total revenues received for the previous fiscal year, total expenditures for the previous fiscal year, total number of vehicles abated during the previous fiscal year, the average cost per abatement during the previous fiscal year, and any additional unexpended fee revenues for the previous fiscal year. Authorities that fail to submit a report by November 30<sup>th</sup> face having funding fees suspended for the following year. The SC will review the reports to determine that the revenues are being utilized in a manner consistent with the Authority's program and has the authority to suspend fees if they are not. Fees may not be suspended unless the Authority has been in existence for at least two full fiscal years. A report from the SC, outlining total revenues, total expenditures, unexpended revenues, total number of vehicles abated and average cost per abatement will be sent to the Legislature by January 1<sup>st</sup> of each year. Each Authority may extend the program sunset date up to 10 years by a two-thirds vote of the county board of supervisors and a majority of the cities having a majority of the incorporated population within the county adopting resolutions providing for the extension. The changes to Section 22710 VC include language to subsection (d)(2) requiring each Authority receiving funds from the Abandoned Vehicle Trust Fund to report to the office of the SC on an annual basis.

2. DEFINITION OF TERMS. The following definitions of terms are included for use by the Authorities and are consistent with Section 22710 VC requiring the Department to establish guidelines for the AVA Program.

a. Public Nuisance Vehicle. Any vehicle that is abandoned, wrecked, dismantled, or any inoperative part thereof that is on public or private property, not including highways, and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or jeopardizes health, safety, and general welfare is a public nuisance.

b. Abandoned Vehicle. A vehicle is considered to be “abandoned” if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner’s intent to relinquish all further rights or interests in it may be reasonably concluded.

(1) In reaching a reasonable conclusion, one must consider the amount of time the vehicle has not been moved, its condition, statements from the owner and witnesses, etc.

(2) In reference to highway or public rights-of-way, “abandonment” is presumed to have occurred if a vehicle is parked, resting, or otherwise immobilized on any highway or public right-of-way; and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway in this state. Such vehicles are presumed to be a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

c. Wrecked Vehicle. Any vehicle that is damaged to such an extent that it cannot be operated upon the highway is termed a wrecked vehicle. A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner, will not be considered an abandoned vehicle for the purposes of this program.

d. Dismantled Vehicle. Any vehicle that is partially or wholly disassembled.

e. Inoperative Vehicle. Any motor vehicle that cannot be moved under its own power.

f. Public Property. This term is commonly used as a designation of those things which are considered owned by “the public,” the state or community, and not restricted to dominion of a private person. It may also apply to any property owned by a state, nation, or municipality.

g. Private Property. Property that belongs absolutely to an individual and that person has the exclusive right of disposition. Property of a specific, fixed, and tangible nature, capable of being possessed and transmitted to another, such as houses, lands, vehicles, etc.